

REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Office Action mailed June 28, 2007, hereinafter "Office Action." In that Office Action claims 1-54 were examined and rejected. More specifically, claims 1-4, 6-9, 11- 13, 15-20, 22-25, 27, 29-35, 40-41, 43-44, and 51-57 were rejected under 35 U.S.C. § 102(b) as being anticipated by Dhar et al. (US Pub. No. 2202/0040339), hereinafter "Dhar." Claims 45-50 were rejected under 35 U.S.C. § 102(b) as being anticipated by DeFrancesco et al. (USPN 5,878,403), hereinafter "DeFrancesco." Claims 5, 10, 12, 21, 26, 28, and 36-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dhar in view of Louie et al. (US Pub. No. 2001/0054022), hereinafter "Louie." Finally claim 42 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Dhar in view of DeFrancesco.

In this Response, claims 1, 17, 26, 30, 32, 45, and 50-51 have been amended and no claims have been canceled or added. Reconsideration of these rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

Claim Rejections – 35 U.S.C § 102

Claims 1-4, 6-9, 11-13, 15-20, 22-25, 27, 29-35, 40-41, 43-44, and 51-57

Claims 1-4, 6-9, 11-13, 15-20, 22-25, 27, 29-35, 40-41, 43-44, and 51-57 were rejected under 35 U.S.C. § 102(b) as being anticipated by Dhar. Applicants respectfully traverse the § 102(b) rejections because either the Examiner has failed to state a prima facie case of anticipation or the current amendments to the claims now render the Examiner's arguments moot. A prima facie case of anticipation can be met only where the reference teaches each and every aspect of the claimed invention. *See* MPEP §§ 706.02 & 2136. Under 35 U.S.C. § 102, a

reference must show or describe each and every element claimed in order to anticipate the claims. *Verdegaal Bros. v. Union Oil Co. of California* 814 F.2d 628 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference"). Specifically, Dhar fails to teach or suggest at least determining a ranking of the eligible lending entities based on the prioritization, as recited in claim 1.

Dhar relates to an automated, online loan processing system. *See Dhar, para. [0006]*. The loan processing system consists of a workflow engine that applies a set of rules from different financial institutions. *See id.* The workflow engine uses the rules to "process credit applications, render credit decisions, generate loan offers, and proceed with loan fulfillment over the Internet." *See id.* A customer completes and submits a loan application to the workflow engine. The workflow engine parses the application to gather information related to the customer. *See id., para. [0059]*. The information is then compared to the set of rules to determine whether the customer is eligible for a loan. *See id.* Thus, Dhar teaches a loan application processing system to determine whether an *applicant* applying for a loan is eligible to receive a loan.

On the other hand, embodiments of the present disclosure relate to determining whether a *lender* is eligible to provide a loan. Because of its focus on the customer, Dhar fails to teach or suggest prioritizing at least a portion of eligible lending entities according to at least one predetermined rule, as was previously presented in claim 1. The Office Action cites paragraphs [0103] and [0104] of Dhar as teaching this limitation. Applicants respectfully disagree. The cited portions of the reference relate to evaluating the credit worthiness of a customer. Dhar states,

Upon accessing the credit history report, the workflow engine 20 uses the credit history to generate a credit score for that particular consumer. Based on the parameters established by various financial institutions, the workflow engine 20 uses the credit score to retrieve instant loan offers for the consumer. . . Assuming that the borrower scores high enough to qualify for one or more of the instant offer loans, the system 10 compiles a list of instant offers for that consumer and displays them on a web page for the consumer's review. *Dhar, paras. 103 - 104.*

The portion cited by the Office Action does not teach or suggest prioritizing at least a portion of eligible lending entities according to at least one predetermined rule. Indeed, the cited portion teaches evaluating consumers based upon their respective credit scores to determine whether or not the consumer is eligible for a loan from a bank, which has nothing to do with prioritizing lending entities. For this reason, Applicants respectfully traverse the rejection because Dhar fails to teach or suggest all of the limitations of claim 1.

In addition to the above recited limitations, Dhar also fails to teach or suggest the amended limitations of independent claim 1. Claim 1 also recites determining a ranking of the eligible lending entities based on the prioritization. Dhar does not teach or suggest determining a ranking of the eligible lending entities based on the prioritization. Indeed, Dhar does not mention ranking whatsoever. Ranking the lenders provides the benefit of assigning a metric to the different lenders by which they can be compared.

Additionally, because Dhar fails to teach or suggest determining a ranking of the eligible lending entities based on the prioritization, Dhar also fails to teach or suggest selecting an eligible lending entity from the prioritized eligible lending entities, wherein the selected eligible lending entity is the lending entity with the highest ranking, as recited by claim 1. For at least these reasons, independent claim 1 is allowable over the cited reference.

For at least the same reasons, independent claims 17 and 51 are also allowable over the cited reference because they recite similar limitations as independent claim 1. For example, claim 17 recites, *inter alia*:

prioritize at least a portion of the eligible lending entities according to at least one predetermined rule;

determine, if none of the prioritized lending entities are preferred lending entities, a ranking for the eligible lending entities; and

select an eligible lending entity from the prioritized eligible lending entities, wherein the selected eligible lending entity is one of a preferred lending entity and a lending entity with the highest ranking.

Claim 51 recites, *inter alia*:

prioritizing at least a portion of the eligible lending entities according to at least one predetermined rule;

if none of the prioritized eligible ending entities are preferred lending entities, determining a ranking for the eligible lending entities based at least in part on a second rule that is different from the first predetermined rule; and

determining a lending entity of the plurality of lending entities to assign the loan application based upon the at least one eligibility criteria and one of:

the preferred lending entity; and

the highest ranked entity. . . .

In addition to these limitations, independent claims 17 and 51 also recite determine whether any of the prioritized eligible lending entities is a preferred lending entity. Because Dhar is focused on determining whether a loan applicant is eligible for a loan or not, the status of the lending entity is unnecessary. Thus, Dhar fails to teach or suggest this limitation. However, in embodiments of the present disclosure where a decision is made about which lending entities are eligible to provide loans to an applicant, the determination of whether or not a lending entity is a preferred lender is significant when finally determining which entity to assign the loan application to. Thus, for at least this additional reason, independent claims 17 and 51 are also allowable over the cited reference.

For at least the forgoing reasons, Dhar does not teach all the limitations of amended claims 1, 17, and 51 and therefore cannot anticipate the present invention as claimed. Claims 1,

17, and 51 are allowable over the cited reference and should be allowed. All other claims, *i.e.*, claims 2-4, 6-9, 11-13, 15-16, 18-20, 22-25, 27, 29-35, 40-41, 43-44, and 52-57, depend from one of the allowable independent claims and are, thus, also allowable over the prior art of record. Therefore, Applicants respectfully request that the Examiner issue a notice of allowance for all claims at his earliest convenience.

Claims 45-50

Claims 45-50 were rejected under 35 U.S.C. § 102(b) as being anticipated by DeFrancesco. Applicants respectfully traverse the § 102(b) rejections because either the Examiner has failed to state a *prima facie* case of anticipation or the current amendments to the claims now render the Examiner's arguments moot. A *prima facie* case of anticipation can be met only where the reference teaches each and every aspect of the claimed invention. *See* MPEP §§ 706.02 & 2136. Under 35 U.S.C. § 102, a reference must show or describe each and every element claimed in order to anticipate the claims. *Verdegaal Bros. v. Union Oil Co. of California* 814 F.2d 628 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference"). Specifically, DeFrancesco fails to teach or suggest at least if none of the prioritized lending entities are preferred lending entities, determining a ranking for the eligible lending entities, as recited in claim 45.

DeFrancesco relates to a credit application and routing system. *See DeFrancesco, Abstract*. Received credit applications are forwarded to a funding source. *See id.* Users are able to send applications to a funding source by selecting lenders, calling a credit bureau, or sending the application to a default source. *See id., col. 22, ll. 10-13*.

DeFrancesco fails to teach or suggest determining whether any of the prioritized eligible lending entities is a preferred lending entity, as previously presented in claim 45. The Office Action cites column 22, lines 11-14 of DeFrancesco as teaching this limitation. The cited portion of DeFrancesco states,

At the end of application entry, the user can immediately choose to send the application (to a default lender), select a lender from a displayable list of possible lenders, or call a credit bureau.

The cited portion of DeFrancesco does not teach or suggest prioritizing eligible lending entities. Instead, DeFrancesco teaches the use of a single, default lender or giving the customer the choice from a list of lenders. There is no prioritization. For this reason, Applicants respectfully traverse the rejection because DeFrancesco fails to teach or suggest all of the limitations of claim 45.

Additionally, DeFrancesco does not teach or suggest the newly amended limitations of claim 45. Claim 45 recites if none of the prioritized lending entities are preferred lending entities, determining a ranking for the eligible lending entities. Indeed, the reference does not even mention any type of ranking. As previously noted, ranking the lenders provides the benefit of assigning a metric to the different lenders by which they can be compared. Because DeFrancesco fails to teach or suggest determining a ranking for the eligible lending entities, it also cannot teach or suggest selecting an eligible lending entity from the prioritized eligible lending entities, wherein the selected eligible lending entity is one of a preferred lending entity and a lending entity with the highest ranking.

Furthermore, amended claim 45 also recites determining whether any of the prioritized eligible lending entities is a preferred lending entity. DeFrancesco either sends applications to default lenders or allows customers to choose a lender. Indeed, there is no mention of determining a preferred lending entity. In fact, if the customer is allowed to choose who he or she sends the application to, there is no need for a preferred lending entity in DeFrancesco's system. For at least these reasons, independent claim 45 is allowable over the cited reference.

For at least the same reasons, independent claim 50 is also allowable over the cited reference because it cites similar limitations. Claim 50 recites,

prioritize the list of eligible lending entities according to at least one predetermined rule;

determine whether any of the prioritized eligible lending entities is a preferred lending entity;

determine, if none of the prioritized eligible lending entities are preferred lending entities, a ranking for the eligible lending entities; and

select an eligible lending entity from the prioritized eligible lending entities, wherein the selected eligible lending entity is one of a preferred lending entity and a lending entity with the highest ranking.

For the forgoing reasons, DeFrancesco does not teach all the limitations of amended claims 45 and 50 and therefore cannot anticipate the present invention as claimed. Claims 45 and 50 are allowable over the cited reference and should be allowed. All other claims, *i.e.*, claims 46-49, depend from the allowable independent claim and are, thus, also allowable over the prior art of record. Therefore, Applicants respectfully request that the Examiner issue a notice of allowance, for all claims, at his earliest convenience.

Claim Rejections – 35 U.S.C § 103(a)

Claims 5, 10, 12, 21, 26, 28, and 36-39

Claims 5, 10, 12, 21, 26, 28, and 36-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dhar in view of Louie. These claims depend from either independent claim 1 or independent claim 17. As previously noted, claims 1 and 17 are allowable over Dhar because the reference fails to teach or suggest at least determining a ranking of the eligible lending entities based on the prioritization, as recited in claim 1 and determine a ranking for the eligible lending entities, as recited in claim 17. Furthermore, Louie fails to compensate for this deficiency. Louie relates to a loan syndication tracking an management system and method. *See Louie, Abstract*. Louie provides users access to various information related to syndicated loans. The reference also teaches methods of recordkeeping of transactions for review, auditing, reporting, or regulatory purposes. *See Louie, para. [0016]*. Thus, claims 5, 10, 12, 21, 26, 28, and 36-39 are allowable over the rejection because they depend from allowable independent claims. Applicants respectfully request the Examiner withdraw his rejection and issue a notice of allowance for all claims at his earliest convenience.

Claim 42

Claim 42 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Dhar in view of DeFrancesco. Claim 42 depends from independent claim 17. As previously noted, Dhar fails

to teach or suggest at least determine a ranking for the eligible lending entities, as recited in claim 17. DeFrancesco fails to compensate for this deficiency. Thus, claim 42 is allowable by virtue of its dependence upon an allowable independent claim. Again, Applicants respectfully request the Examiner withdraw his rejection and issue a notice of allowance for all claims at his earliest convenience.

Conclusion

This Amendment fully responds to the Final Office Action mailed on June 28, 2007. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicants believe the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.


It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

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